



PUBLIC NOTICE

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EXTENSION OF TIME TO FILE COMMENTS AND REPLY COMMENTS ON THE REVIEW OF THE COMMISSION'S PROGRAM ACCESS RULES AND EXAMINATION OF PROGRAMMING TYING ARRANGEMENTS

MB Docket No. 07-198

Revised date for filing Comments: January 4, 2008

Revised date for filing Reply Comments: January 22, 2008

On October 1, 2007, the Commission released a Notice of Proposed Rulemaking ("*Notice*") on revisions to the Commission's program access and retransmission consent rules and whether it may be appropriate to preclude the practice of programmers to tie desired programming with undesired programming.¹ The *Notice* set deadlines for filing comments and reply comments at 30 and 45 days, respectively, after publication of the *Notice* in the *Federal Register*.² A summary of the *Notice* was published in the *Federal Register* on October 31, 2007.³ Accordingly, the comment filing dates were established as November 30, 2007 for comments and December 17, 2007 for reply comments.⁴

On November 2, 2007, Fox Entertainment Group, Inc. and Fox Television Holdings, Inc. (collectively, "Fox") and Viacom Inc. ("Viacom") filed requests for a 45-day extension of the comment deadline.⁵ Similar requests were subsequently filed by NBC Universal, Inc. ("NBCU") and The Walt Disney Company ("Disney").⁶ The parties argue that the issues raised in the *Notice* are highly complex and that a 30-day comment period does not enable them to gather the necessary data to respond effectively.⁷ The parties argue that additional time will enable them to survey executives in their

¹ See *Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements, Notice of Proposed Rulemaking*, MB Docket No. 07-198, FCC No. 07-169 (rel. October 1, 2007) ("*Notice*").

² See *id.* at 1.

³ 72 FR 61590 (October 31, 2007).

⁴ See *Public Notice*, DA 07-4263 (rel. November 1, 2007).

⁵ See Fox Entertainment Group, Inc. and Fox Television Holdings, Inc., Motion for Extension of Time, MB Docket No. 07-198 (November 2, 2007) ("*Fox Motion*"); Viacom Inc., Motion for Extension of Time, MB Docket No. 07-198 (November 2, 2007) ("*Viacom Motion*").

⁶ See NBC Universal, Inc., Motion for Extension of Time, MB Docket No. 07-198 (November 5, 2007) ("*NBC Universal Motion*"); The Walt Disney Company, Request for Extension of Time, MB Docket No. 07-198 (November 13, 2007) ("*Disney Request*").

⁷ See *Disney Request* at 2; *Fox Motion* at 1-2; *NBCU Motion* at 1-2; *Viacom Motion* at 1-2.

broadcast and cable divisions and to retain experts to perform economic analyses.⁸ The parties state that additional time to respond to the *Notice* will serve the public interest by facilitating a more complete record.⁹ Fox also contends that the holiday season compounds the difficulties of responding to the *Notice* by the comment deadline.¹⁰ Viacom argues that the issues raised in a recent class action lawsuit filed against Viacom and others regarding the offering of bundled and tiered programming packages are closely related to the issues raised in the *Notice*.¹¹ Viacom requests an extension of the comment deadline to ensure a coordinated and comprehensive response to this lawsuit and to the *Notice*.¹² The parties further assert that a 45-day extension of the comment deadline will cause no hardship or prejudice to other interested parties or to the Commission.¹³

As set forth in Section 1.46 of the Commission's Rules,¹⁴ the Commission's policy is that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. In this case, however, an extension of the comment and reply comment period is warranted to enable commenters to gather sufficient data, including economic analyses, to facilitate the development of a thorough record in response to the issues raised in the *Notice*. We decline, however, to grant the full 45-day extension requested by the parties. With the additional extension granted herein, interested parties will now have a total of 65 days to prepare comments. We believe that this provides parties with ample time to respond to the issues raised in the *Notice*.

Accordingly, we hereby grant the Motions for Extension of Time filed in MB Docket No. 07-198 by Disney, Fox, NBCU, and Viacom to the extent detailed above. The time for filing comments is extended to **January 4, 2008**, and the time for filing reply comments is extended to **January 22, 2008**.

This action is taken pursuant to authority found in Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 303(r), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.46.

For further information, contact David Konczal at (202) 418-2228 of the Media Bureau. Press inquiries should be directed to Mary Diamond, Media Bureau, at (202) 418-2388. TTY: (202) 418-7172 or (888) 835-5322.

By the Chief, Media Bureau

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⁸ See *Disney Request* at 2; *Fox Motion* at 2; *NBCU Motion* at 2; *Viacom Motion* at 2.

⁹ See *Disney Request* at 2; *Fox Motion* at 2; *NBCU Motion* at 2; *Viacom Motion* at 2.

¹⁰ See *Fox Motion* at 2.

¹¹ See *Viacom Motion* at 2 (citing *Brantley, Cooke, et al. v. NBC Universal, Inc., Viacom Inc., et al.*, CV07 – 06101 (Cal. C.D. filed Sept. 20, 2007)).

¹² See *id.*

¹³ See *Disney Request* at 2; *Fox Motion* at 2; *NBCU Motion* at 2; *Viacom Motion* at 2.

¹⁴ 47 C.F.R. § 1.46.